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Elevated lead levels found in Newark schools' drinking water

By Jessica Mazzola
NJ Advance Media for NJ.com
March 09, 2016 at 10:29 AM

Lead levels are elevated in Newark schools' drinking water, state officials said. (File photo)

NEWARK — Thirty school district buildings in Newark are temporarily using alternative water sources after recent testing found elevated levels of lead in the schools' drinking water, Department of Environmental Protection officials announced Wednesday.

According to the announcement, Newark Public Schools notified the DEP on Monday that 30 buildings recorded elevated levels during annual testing that was recently conducted in the district. Some levels were found to be higher than the Environmental Protection Agency's "action level" for lead, which is a threshold requiring additional testing, monitoring and remediation, the DEP said. The lead action level is 15 parts per billion, state officials said.

Newark schools has temporarily shut off all drinking water fountains at the affected schools, and is posting notices not to drink water from faucets, the DEP said. Replacement drinking water, and cooking water, is available from water coolers and bottled water at all of the affected schools, officials said.

School is remaining in session.

According to the DEP, it is working with the state department of health and the district to sample the water and its entry points at every public and charter school in the district.

"Parents should have no concerns about students' water and food consumption at the school while the situation is addressed," the DEP said in a release.

A school spokeswoman deferred comment on the situation to state officials Wednesday morning.

Elevated lead levels have not been found within the Newark Water Department's source water, state officials said.

"In the vast majority of cases where lead is found in drinking water, it enters through the water delivery system itself when it leaches from either lead pipes, household fixtures containing lead, or lead solder," the DEP said.

Newark was recently cited as one of the 11 municipalities in New Jersey in which children reported higher lead levels than those in Flint, Mich.

Though officials said Wednesday drinking water alone does not usually result in elevated lead levels in children's blood, parents can have their children tested for lead at the Newark Health Department.

Newark Schools Shut Off Water Taps In 30 Buildings: Elevated Lead Found, DEP Says

"Parents should have no concerns about students' water and food consumption," New Jersey DEP officials said.

Newark, NJ

By Eric Kiefer (Patch Staff)

March 9, 2016

Newark Schools Shut Off Water Taps In 30 Buildings: Elevated Lead Found, DEP Says

Newark, NJ - The New Jersey Department of Environmental Protection (DEP) has advised the Newark Public Schools system to temporarily use alternate water sources in 30 district school buildings after recent testing allegedly found elevated levels of lead at various water taps.

According to a DEP news release sent on Tuesday morning, officials in the Newark Public Schools system "acted immediately on the recommendation" and began notifying school officials, parents and students of the results.

School administrators have also identified and delivered alternate supplies of water for drinking and food preparation

as classes continue, the DEP stated.

“Parents should have no concerns about students’ water and food consumption at the school while the situation is addressed,” the DEP emphasized.

According to the DEP, the agency and the State Department of Health are working in partnership with the district in its efforts to resolve the issue.

This includes a plan for “immediate, coordinated sampling of all points of entry and taps for all public schools in the district, including charters,” DEP officials stated.

In the meanwhile, authorities said that Newark public schools have temporarily shut off all drinking water fountains at the schools where elevated levels of lead were recorded. The district is also posting notices in restroom facilities advising people not to drink water from the faucets.

Replacement drinking water from water coolers and bottled water is available at all impacted schools, DEP officials stated.

WATER TESTS

On Monday, Newark Public School District administrators notified the DEP of the results of recent annual testing.

“A total of 30 school buildings recorded levels ranging from non-detect to above EPA’s action level for lead, which is 15 parts per billion,” DEP officials stated. “No building had more than four samples above the action level.”

The “action level” represents the threshold requiring additional testing, monitoring and remediation, officials explained.

DEP officials have requested past test results from previous years from the school district to be able to do a complete analysis of the full data set.

In addition, the DEP has confirmed that lead has not been found within the Newark Water Department’s source water, officials stated.

“In the vast majority of cases where lead is found in drinking water, it enters through the water delivery system itself when it leaches from either lead pipes, household fixtures containing lead, or lead solder,” DEP officials explained.

According to the DEP, drinking water alone is not typically associated with elevated blood lead levels; it is the buildup of lead from all sources over time that determines whether harmful health effects will occur.

Children can be given a blood test to measure the level of lead in their blood. Concerned residents can have their children tested for lead at the Newark Health Department.

A New Jersey Department of Health fact sheet on lead in drinking water is available online [here](#).

For a list of Newark Public Schools’ most recent water sampling results, visit the What’s New area of the DEP’s Division of Water Supply and Geoscience page [here](#).

30 NEWARK PUBLIC SCHOOLS SHUT DOWN DRINKING WATER DUE TO ELEVATED LEAD LEVELS

MARCH 9, 2016 10:23 AM

Trenton (CBS New York) – Thirty newark public schools have been ordered to use alternate water supplies due to elevated lead levels.

the department of environmental protection said it found elevated lead levels at various taps in recent tests.

the newark public schools system is supplying the schools with alternate water for drinking and for food preparation.

all drinking fountains at the impacted schools have been shut down. notices have been put up in bathrooms telling students not to drink water from the taps.

[click here](#) for complete results of recent water testing (.pdf).

water points of entry and taps at all public schools – including charters – will be tested.

the dep says no lead has been found in the newark water department’s source water. lead found in drinking water often due to leaching from lead pipes, household fixtures that contain lead, or lead solder, the dep said.

concerned parents can have their children given a blood test for lead at the newark health department.

you can check results of water samples at public schools by [clicking here](#). for additional information about lead in the water, [click here](#). for facts about health impacts of lead in water, [click here](#).

Editorial: The Passaic River cleanup: Time for EPA to play hardball

By Star-Ledger Editorial Board

March 09, 2016

A century of chemical waste has turned the Passaic River, once the cradle of American industry, into a massive murder scene – a waterway literally poisoned to death by illegal dumping, converted to a toxic stew of dioxins, mercury, PCBs, DDT, and dozens of other carcinogenic chemicals.

You can guess what that has done to generations of people and wildlife that live near this river.

But we cautiously celebrate a day of reckoning. The EPA handed more than 100 polluters a bill for \$1.38 billion last Friday, which requires that they underwrite one of the costliest Superfund cleanups in history - a decade-long project that will remake the southern half of the river, an eight-mile labyrinth from Belleville down to Newark Bay.

This was once the wellspring for greater Newark, and it can be again – not merely for commerce but for the citizens who own it, with parks and pleasure boats and attractions – but only if the EPA is ready to play hardball.

These polluters have dodged accountability for more than a decade, so it is gratifying to see that the Obama Administration identifies the Passaic cleanup as unfinished business. The hard part still lies ahead, however: The EPA's 1,000-page cleanup plan will face litigation from the best legal foot-draggers that Occidental Chemical, DuPont, Hess, Honeywell, Pfizer, Sherwin-Williams, and many other Fortune 500s can afford.

So we expect the agency responds with the full force of the Superfund Unilateral Orders, which compels "potentially responsible parties" to perform cleanup work; and imposes massive penalties known as "treble damages" for the lack of compliance, requiring PRPs to pay three times the cost of cleanup.

Everyone in New Jersey – its Republican governor, its Department of Environmental Protection, its entire Democratic congressional delegation – demands that the EPA recognize our urgency.

So it is heartening to hear EPA Regional Administrator Judith Enck join our chorus: "These companies know what their responsibilities are," Enck said Tuesday. "And if don't comply, we will use every legal tool at our disposal. We're talking about the future of the Passaic here.

"Decision Day is here. We won't be arguing over what remedy they like. This is the remedy. They have to pay the cost, period."

By now, you've seen the details of that remedy. It calls for bank-to-bank dredging over 8.3 miles – mostly 2.5 feet deep, but in some places as deep as 33 feet - and capping the river floor to isolate the contamination beneath. Before it is capped, 3.5 million cubic yards of the contaminated sediment would be pressed, dried, and shipped out of state for disposal. That's enough to fill Red Bull Arena three times.

There are objections to the plan, notably from the New Jersey Sierra Club, which asserts that the dredging depth is insufficient, that capping will fail in a tidal river, and that the plan doesn't remediate the contamination for the nine miles upriver.

But this essentially comes down to the EPA's confidence in decades of scientific studies on cap integrity. Walter Mugdan, the Director of the EPA's Superfund Division, says the best example is the Hudson River PCB cleanup, paid for by General Electric after decades of fighting: "The cap installed in 2009 withstood a record-breaking flood in 2011, worse than a 100-year flood," Mugdan pointed out.

Maybe the plan isn't perfect. And maybe the litigation will test our patience.

But a large coalition of community and environmental groups – notably NY/NJ Baykeeper and Ironbound Community Corporation - believe this is the area's best hope for improved public health, water quality, and a livable riverfront. The real question is how long the EPA will negotiate before dropping the hammer, by having the Department of Justice enforce the Superfund orders. New Jersey has waited long enough for polluters to find religion.

Photo: Officials from the U.S. Senate, Newark, the state Department of Environmental Protection, the Environmental Protection Agency and the U.S. Army Corps of Engineers spoke about the new Passaic River cleanup plan on Friday. The \$1.4B plan will be paid for by 100 companies that polluted the river and will take 11 years, the EPA said. 03/4/2016 (Laura Herzog | NJ Advance Media for NJ.com)

Photo: U.S. Senator Cory Booker Delivers Heated Speech About Passaic River And "Greed" U.S. Senator Cory Booker, Newark's former mayor, said he felt emotional talking about the cleanup. (Laura Herzog / NJ Advance Media for NJ.com)

Editorial: RIVER CLEANUP

The Record & Herald News

03/07/2016

IT TOOK decades of dumped industrial and chemical waste to transform the Passaic River into one of the most polluted waterways in the country. We don't know how long it will take to clean the river, but the job finally is about to start.

The federal Environmental Protection Agency envisions a \$1.38 billion plan to dredge and remove 3.5 million cubic yards of sediment from the mouth of the river at Newark Bay to Belleville, a stretch of about eight miles.

This plan is not perfect. The goal has been reduced from an original plan to remove 4.3 million cubic yards at a cost of \$1.7 billion. The proposal also would not address river contamination upstream from Belleville to the Dundee Dam, which includes Clifton and Garfield.

Nonetheless, this represents progress.

The EPA originally proposed removing contaminated material from the river and burying it in Newark Bay. Fortunately, this notion of a contaminated underwater "landfill" was successfully opposed by state and local officials.

Plans unveiled last week call for water to be separated from the contaminated material, cleaned and discharged back into the river. The contaminants would be incinerated or buried in out-of-state landfills built to handle toxic waste.

The magnitude of the pollution problem cannot be overestimated. Experts say the problem began as long as 200 years ago when textile mills using the river to operate also used it to dump waste. The problem was exacerbated by industrial development along the Passaic in the 1900s.

Because of possible ignorance and also because state and federal environmental agencies didn't exist, companies big and small dumped an assortment of toxic chemicals in the river. Some of the offenders include Fortune 500 companies like DuPont, Hess and Honeywell, but also much smaller firms.

The EPA, which was created in 1970, says its plan will remove 18 pounds of dioxin, a substance used in making the infamous Agent Orange during the Vietnam War era, and large quantities of mercury, PCBs and DDT.

Responsibility for underwriting the cleanup rests with about 100 companies that either polluted the river or now control companies that did. They have not always been willing partners with the EPA.

The companies have lobbied for a less extensive cleanup, and a few years ago some of them actually came up with a bizarre idea to replace contaminated fish caught in the river with healthy fish cultivated on a farm. The EPA plan was to be finalized last year but was delayed because of a substantial number of comments from the companies responsible.

The Passaic River is not the only one in the country to be heavily contaminated by industrial growth in the 19th and 20th centuries. But it has contributed to New Jersey's unfortunate image over the years as a place synonymous with all types of pollution.

The EPA plan will not eliminate all contaminants in the Passaic. But it's a major step forward.

Bloomberg BNA

March 7, 2016

RGGI Carbon Prices Uncertain in Run-Up to Auction

From Energy and Climate Report

By Gerald B. Silverman

March 3 — The upcoming auction of carbon allowances by the Regional Greenhouse Gas Initiative on March 9 will be one of the most closely watched and hardest to predict in years, as allowance prices in the secondary market have been unusually volatile.

The allowance price closed at a record high of \$7.50 each in RGGI's last auction in December, but a decision by the U.S. Supreme Court, the release of 10 million additional allowances in September from a cost containment reserve (CCR) and other factors caused high volatility and the price of allowances in the secondary market to drop significantly.

Some 14.8 million allowances will be offered in the next auction, with an additional 10 million available if the auction

price hits \$8 and the cost containment reserve is triggered.

Among the firms that may be eligible to bid in the auction are Consolidated Edison Co., Koch Supply and Trading, Morgan Stanley Capital Group, National Grid, Vitol Inc., DTE Energy Trading Inc., EDF Trading North America LLC, Calpine Energy Services LP, CE2 Carbon Capital LLC, DRW Commodities LLC, GDF SUEZ Energy Marketing NA Inc. and NRG Power Marketing LLC. The identities of actual bidders are masked by RGGI.

Volatility in Secondary Market

The secondary market for RGGI allowances in the fourth quarter of 2015 was the most volatile in two years, according to one measure followed by Potomac Economics.

Potomac, which is the official market monitor for RGGI, issued a report Feb. 26 that said “option-implied volatility” in the quarter increased for the first time since 2013. It went from an average of 15.7 percent in the third quarter to 19.7 percent in the fourth, according to the report.

Option-implied volatility, according to the report, measures the volatility implied by the trading of option contracts for RGGI carbon allowances.

“If a firm perceives that CO2 allowance prices are volatile, the firm may be willing to pay a high price for an option contract that protects it from unforeseen allowance price fluctuations,” it said. “Likewise, if a firm perceives that CO2 allowance prices are relatively stable, the firm will be willing to pay relatively little for the same option contract.”

Supreme Court

Jennifer S. Smokelin, an attorney in the Pittsburgh office of Reed Smith LLP, said the Supreme Court's decision to stay the Environmental Protection Agency's Clean Power Plan Feb. 9 had an impact on RGGI prices, although the death of Justice Antonin Scalia changed expectations for the court.

“In the week following the stay, the market declined by 21 percent,” she told Bloomberg BNA in an e-mail. “That may have rebounded slightly the next week in the aftermath of Scalia passing, but prices will remain soft because there is uncertainty.”

Brian C. Murray, interim director of the Duke University Energy Initiative, said the Clean Power Plan stay probably didn't have a direct impact on RGGI prices but could have had an indirect one.

“It is possible that the Clean Power Plan was priced into recent ‘pre-stay’ allowance bids under the thought that other states’ compliance options might spill into the RGGI market, either by adding to the states who would participate or by ensuring that RGGI would stay the course in the future,” Murray told Bloomberg BNA in an e-mail.

“The stay might have shaken those assumptions some, but probably not enough to cause a price plummet by itself,” he said.

Impact Questioned

Heather Leibowitz, director of Environment New York, said the Supreme Court decision shouldn't have much of an impact on RGGI because the cap-and-trade program is going forward independent of the plan.

“It might impact some market players’ perceptions about future opportunities in the broader carbon market, but I can only speculate about that,” she said.

Leibowitz predicted that noncompliance entities will continue to have an interest in buying RGGI allowances, despite the recent price declines.

“We are aware that prices on the futures market have recently declined below \$5 a ton, but we do not believe that anything fundamental about the market has changed,” she said, referring to price declines in February.

Demand

Smokelin predicted that “demand will be softer” for RGGI allowances, whose price has hit record highs in the past five auctions. She said “compliance entities” and “bullish speculators” may buy allowances from sellers exiting the market or limiting their exposure, “but those bids will likely be made significantly below market.”

“Bullish noncompliance entities will continue to buy, others not so much,” she said.

Derek Furstenwerth, senior director of environmental services at Calpine Corp., said he doesn't see “an underlying fundamental reason” for recent price declines “in terms of the overall supply/demand balance of allowances.”

“As far as upcoming price dynamics, we don't have a better crystal ball than anyone else,” he told Bloomberg BNA in an e-mail.

“Prices in recent years have generally increased and roughly tracked CCR trigger prices,” he said. “Current prices are significantly less than the upcoming CCR trigger price, so the current condition is fairly unprecedented and hence unpredictable.”

NYT

A Project Reclaims an Abandoned Stretch of New Jersey Coast

By JON HURDLE

MARCH 8, 2016

SAYREVILLE, N.J. — A bleak expanse of coastal New Jersey, polluted by paint pigments and abandoned for decades, is undergoing a makeover that will bring a major development of housing, retail space and office space a half-hour's drive from Lower Manhattan.

In coming weeks, the O'Neill Properties Group will officially break ground on the 5.8 million-square-foot project, The Pointe. The 418-acre site, south of Staten Island, is at the heart of a highway network that already carries some 400,000 vehicles a day directly past the site, and on summer weekends, hundreds of thousands more.

The groundbreaking will make way for the anchor retail tenant, Bass Pro Shops, to build a 200,000-square-foot store. The store is expected to open in June 2017 as the first stage of a planned 2.4 million square feet of retail space.

Photo The lagoon where Bass Pro Shops Outdoor World will be housed. The Garden State Parkway and other highways that are crossing over the Raritan River are visible in the back. Credit Chang W. Lee/The New York Times

The developer has also agreed with Regal Cinemas to build a 55,000-square-foot movie theater complex, and is in talks with about 20 other potential retail tenants.

Over the next seven to 10 years, the development is to add 750,000 square feet of office space, up to 1,000 hotel rooms, and 2,000 apartments overlooking the Raritan River.

Photo Brian O'Neill Sr., chairman of the O'Neill Properties Group, left, and his son, Brian O'Neill Jr., the chief operating officer. Credit Chang W. Lee/The New York Times

By mid-2017, the complex is to have its own highway interchange, which will provide 12 on- and off-ramps for the adjacent Garden State Parkway and U.S. 9 and Route 35 nearby. Together, these highways carry some 600,000 people a day to and from jobs in New York City or to Jersey Shore towns to the south, according to data from the New Jersey Turnpike Authority, the state's Department of Transportation and Maser Consulting, an engineering firm working on the project.

The high volume of traffic, and the accessibility of the new development to the major Northeast market, represent an unusual opportunity for potential tenants, said the developer's chief executive, Brian O'Neill Sr.

“One hundred percent of New Jersey shore visitors pass through this intersection if they are coming from the five boroughs of New York City, northern New Jersey and southern Connecticut,” Mr. O'Neill said, in an interview in a trailer on the edge of the site.

“In summertime, there are days when there are a million cars, or two or three million people, coming through this intersection,” he said, “which makes for one of the most spectacular opportunities for retailers to expose themselves to their clientele.”

The project is a joint venture of O'Neill Properties and Prudential Financial, and is expected to cost at least \$2.2 billion by the time it is finished, Mr. O'Neill said. The interchange is being constructed at a cost of \$85 million, \$15 million of which is being paid by the developer and the remainder by the state.

New Jersey, America's most densely populated state, has long sought to redevelop its so-called brownfield sites, abandoned and often contaminated tracts formerly used for commercial or industrial purposes. O'Neill Properties, based in King of Prussia, Pa., specializes in brownfield redevelopment.

O'Neill bought the Sayreville site for \$80 million in 2008, some two decades after it was abandoned by NL Industries, formerly National Lead, which had manufactured paint pigment there since 1934. In early 2014, the Environmental Protection Agency directed the company to pay \$79 million to clean up a 40-acre lagoon on the east side of the site, where Bass Pro Shops will build its new store.

NL Industries was found to be at least partly responsible for contamination there, which included PCBs, titanium dioxide and technologically enhanced naturally occurring radioactive material. This required a multiyear environmental remediation project costing \$45 million, and involving the removal or treatment of 360,000 cubic yards of soil.

Cleaning up the lagoon turned out to be far more challenging than the company expected when it bought the property, said Brian O'Neill Jr., Mr. O'Neill's son, who manages the Sayreville project.

"We were unaware of the depth and consistency of the material that was in the lagoon," Mr. O'Neill Jr., 29, said. "In some places it turned out to be 10 feet thick of this acidic paintlike substance, like quicksand."

The solution was to inject 38,000 tons of portland cement into hundreds of cells in the lagoon, an operation that took a year and a half and has now created a stable site where Bass Pro Shops can build. Remediation on other parts of the site is continuing, and some environmental permits are still pending, Mr. O'Neill Jr. said.

Before O'Neill Properties purchased the site, it was the subject of a number of lawsuits between NL Industries, Sayreville's economic development agency and the state Department of Environmental Protection, all of which were resolved by the purchase, Mr. O'Neill Jr. said. NL Industries did not respond to requests for comment.

The company says that the costly and time-consuming process of reclaiming the site from its toxic history is justified by the unique opportunity to own such a large parcel of developable land in the midst of one of the country's biggest markets.

"The real estate fundamentals of this site are unparalleled," Mr. O'Neill Jr. said, noting that the waterfront property promised to be an additional attraction for future residents.

Matt S. Krauser, senior managing director in northern New Jersey for Integra Realty Resources, a national valuation company, agreed that the availability and development of a big parcel in a prime location were rare and promising.

"To be able to acquire 400 acres right off the parkway with ease of accessibility both north and south, it's really an unusual project in an unusual location," he said. "It's more or less a once-in-a-lifetime opportunity to be able to construct something like this."

He said that the project was a departure from the town center type of development that had dominated in recent years. With its office and residential components, the Sayreville project could be seen as a hybrid, he said.

"It's building its own downtown in the suburbs," Mr. Krauser said.

When the project is complete, Mr. O'Neill Sr. said, 221 million people annually will drive by four digital billboards measuring up to 44,000 square feet. Each will dwarf the one on the side of the Marriott Marquis hotel in Times Square, which was one of the largest in the world when it was installed in 2014.

Combined with seven digital media towers, also alongside the Garden State Parkway, the development will create 226,000 square feet of digital signage, all of which has been approved by state and local authorities, the developer said.

The signs represent a major opportunity for advertisers to reach millions of people at a lower cost than other forms of mass advertising, Mr. O'Neill Sr. said. And millions of customers riding along the parkway, he added, "can't block it out."

The new development was welcomed by Kennedy O'Brien, Sayreville's mayor, who said the borough's officials approved it because it was a mixed-use project with a residential element. That offers Sayreville the prospect of reviving its depressed center, he said, which was built more than 100 years ago and has scarce parking and very little economic opportunity.

"It's not a gathering place for the people of Sayreville anymore," Mr. O'Brien said, in contrast to the new development, which he called "a natural evolution for a town like ours."

Sayreville, which formerly made bricks for the construction of Manhattan and munitions for World War I, is a middle-income community of some 43,000 people where homeownership is high, foreclosures are low and church attendance is widespread, Mr. O'Brien said. "It's a Norman Rockwell American town," he said.

Mr. O'Brien added that the development would be a good source of new tax revenue to bolster the local economy.

"This will provide a great injection of extra money into our tax base," Mr. O'Brien said. "It will provide employment opportunities, and Bass Pro Shops will provide a great place for husbands to go when their wives go shopping."

Editorial

Times Herald Record

Editorial: General Electric spurned Cuomo, time for him to hit back

Mar. 8, 2016

A few months ago, General Electric was a hot topic in New York for two reasons.

First, the company was flirting with moving its corporate headquarters from Connecticut to escape what it felt was a repressive tax burden, the kind that routinely has CEOs shopping around for more reasonable governments.

The head of GE hinted that he had found his haven in New York and our governor was doing all he could to lure the executives across the border. As Andrew Cuomo explained, even though he was not revealing all of the details, he put “a lot of love” on the table.

At the same time, GE was in the news because its was nearing the end of its operation to dredge all of the cancer-causing polychlorinated biphenyls it had dumped in the Hudson River over decades. Following a timetable negotiated with the federal Environmental Protection Agency, GE was scooping up the last of the muck, taking it away for treatment and preparing to send the barges elsewhere.

That did not sit well with groups that study this sort of thing, groups that felt that there was more much to be dredged, that whole sections of the Champlain Canal were still in need of attention.

The EPA prefers to focus on the agreement it had, not the question of whether it was enough at the time. As such, federal officials are content to say that they and GE both kept their promises, ignoring the findings that have environmental groups in New York concerned, findings that indicate that the pollution was more widespread than thought at the time of the agreement to dredge.

With little hope for action in Washington, those groups looked to Albany, to a governor who has had no problem injecting himself into disputes local, state and federal where he thought he could make a difference. While he was courting GE, he was not about to step in. But now GE has spurned his offer, ignored all the nice things he said, the nice incentives he offered, the love he left on the table and decided that it will go to Boston instead, lured by a \$145 million handout from Massachusetts.

Just to make this decision sting a bit more, GE will even be vacating its executive offices in New York City.

So now may be the time for those environmental groups to try for some attention once again in Albany. They have documents showing that there was more PCB contamination than earlier had been estimated, that the river will not be as clean and clear as it should be for quite some time and that more dredging is not only preferable, but it is necessary.

They still make noises about what the EPA should do. As Ned Sullivan, president of Scenic Hudson, said, “We think the Obama administration has responsibility to position this for appropriate action before it leaves office.”

But that Obama administration has a number of distractions that are likely to keep it from revisiting a project that its own people are touting as a success.

The path to a cleaner Hudson River, if there is one, goes through Albany.

BUFFALO NEWS

Poloncarz takes aim at lead poisoning with \$3.75 million initiative

Would spend \$3.75 million over 5 years to fight problem

County Executive Mark Poloncarz says initiative will “make a big difference.” (News file photo)

By Sandra Tan, T.J. Pignataro

March 9, 2016 - 6:10 AM

County Executive Mark C. Poloncarz said he wants to nearly double the number of environmental health inspections and buy new equipment to advance Erie County’s effort to curb lead poisoning.

And Buffalo is going to start taking a larger role in getting city houses tested for lead.

The initiatives come as federal data, released last month by Sen. Charles E. Schumer, D-N.Y., show children in Western New York – ages 5 and under – suffer from the highest rate of lead poisoning in upstate New York. The data from the Centers for Disease Control and Prevention showed Erie County with a 14 percent rate of lead poisoning – compared with 8.6 percent in Monroe County, which includes Rochester; and 9.1 percent in Onondaga County, which includes Syracuse.

Poloncarz proposes to spend \$3.75 million over the next five years on the county initiative.

“Lead poisoning is an insidious disease, and one that parents are not aware they may be exposing their child to danger,” Poloncarz said. “To say this will alleviate the problem – no, this will not completely alleviate it. This will make a

big difference.”

Erie County Health Commissioner Gale R. Burstein said she hoped the money would further reduce lead poisoning levels in Erie County children by 60 to 70 percent.

Much of the high lead poisoning rates, officials said, can be traced to Buffalo’s housing stock. The city has the highest percentage of homes built before World War II of any large city in the nation.

Many homes were built before 1978, when lead was banned from paint. Old paint and dust from lead paint are considered to be the leading pathways for exposure in children. Lead exposure can result in impaired brain development, neurological problems and other ailments.

Poloncarz said the impetus for strengthening the county’s efforts against lead poisoning resulted from the CDC’s 2014 redefinition of lead poisoning in children. Federal guidelines now require action when a child’s blood-lead level tests at least 5 micrograms per deciliter. The previous threshold was 10 micrograms.

“As the result, it basically doubles the amount of work we have to do,” Poloncarz said. “This will allow us to do everything that we were doing before, plus meet the new requirements under the lower, more strict standard.”

In Buffalo, the contractor the city hires to do environmental air sampling when houses are demolished is also certified to do lead testing, and will start doing some lead testing for Buffalo, said James W. Comerford, Buffalo’s commissioner of permits and inspections.

Lead testing is a service provided by the Erie County Health Department, but given the lead problem that exists in Buffalo, the city is looking for ways it can help out.

Buffalo does not have any licensed lead inspectors, so currently, when city inspectors suspect lead in a home, they contact Erie County. Now, they will ask their contractor, Environmental Education Associates UNYSE of Buffalo, to do the testing. The results will be forwarded to Erie County, which would follow up with the homeowners and residents if there is a lead issue, Comerford said.

“We are doing an internal review of a variety of different ways we can help address the lead issues in the city of Buffalo,” said Buffalo Mayor Byron W. Brown. “This is one of a number of ideas that commissioners and directors came up with,” Brown said of having the city’s environmental contractor help with lead testing.

Comerford on Tuesday asked the Council to approve a final one-year extension of the city’s UNYSE contract. Under the contract, the company will be paid up to \$500,000 to conduct air monitoring and asbestos home surveys associated with demolitions, as well as the added lead testing component.

“We’ve been involved in lead for a long time,” said Andrew McLellan, UNYSE president, who said he is on Gov. Andrew Cuomo’s Task Force on Lead. “We can address the issue. I’d love to help the city out with this. I know we can get this under control.”

Last week, at the request of Council President Darius G. Pridgen, the Common Council agreed to purchase disposable lead testing kits to distribute to residents, and to also create pamphlets on lead poisoning to hand out to residents.

Lead poisoning has gained renewed attention in recent months because of the national focus on Flint, Mich. Children there were exposed to high levels of lead in their drinking water after municipal officials failed to protect the city’s water supply. That resulted in the corrosion of pipes and leaching of lead into the public water system.

“In Flint, it’s in the water,” Poloncarz said. “Here, it’s not in the water; it’s on the walls.”

He added, “You hear the stories of what’s happening in Flint and you also read the reports that we get here that kids have higher levels of lead exposure in Buffalo, Lackawanna, the City of Tonawanda than kids in Flint. We’ve got to fix this.”

Erie County’s program, if approved by the County Legislature, would allocate \$750,000 from county savings each year over the next five years. That revenue infusion would be in addition to the \$438,298 that Erie County currently puts into its lead program annually for staff.

The new money would cover the cost of five additional field inspectors and a supervisor to inspect homes and issue violation notices. It would also be used to hire a nurse dedicated to managing cases of children with lower-but-still-dangerous lead levels of lead poisoning that fall below 10-microgram threshold.

Finally, money would also be earmarked for an additional clerk to handle legal paperwork.

Since lead dust and paint chips inhaled and eaten by children often come from raising and closing old windows, the county is also earmarking \$436,838 in leftover funds from earlier years of the lead prevention and remediation program to give out low-interest loans or grants for window replacements, based on a sliding income scale, over the next five

years.

Overall, the Erie County Health Department runs three separate programs targeting lead poisoning. Funded through roughly \$3.27 million in local, state and federal appropriations, health officials said the initiatives have made a difference over the last 15 years.

The rate per 1,000 children, aged 1 to 5, who have been confirmed with high levels of lead in their blood has been on a mostly consistent decline from about nine per 1,000 children in 2001 to roughly six per 1,000 last year.

Despite the advances, county officials said it's not enough.

"Lead is a very potent neurotoxin," Burstein said. "This is a big problem. We need all hands on deck."

Burstein said children's brains develop rapidly at the youngest ages after birth.

When they're exposed to lead, it affects that development, which could lead to attention deficit hyperactivity disorder, a lower IQ and learning disabilities. At higher levels, lead can have more acute internal effects to the kidneys, gastrointestinal tract and neurological system, she said.

Nine "communities of concern" have been identified in Erie County as places "where children are at exceptionally high risk for lead poisoning." They're broken down first by ZIP code, and then into smaller microareas for concentration by the Health Department. The ZIP codes are all predominantly in the city of Buffalo. They include: 14201, 14207, 14208, 14209, 14210, 14211, 14212, 14213 and 14215.

"We have to go to where the problem is," Burstein said.

Since 2008, Erie County inspectors have visited 12,733 homes and, on average, overseen the annual remediation of nearly 1,000 homes in the city of Buffalo and roughly 500 more in places like Angola, Colden, Tonawanda, West Seneca and Lackawanna, according to Poloncarz.

County officials also pointed out that 1,447 property owners or landlords who failed to voluntarily comply with lead abatement in their properties were taken to Housing Court.

Erie County residents who are concerned that lead may be a problem where they live are encouraged to contact the Erie County Health Department at 961-6800.

WSJ

For Westchester Towns, a New Type of Energy Contract

Two-year agreement with ConEdison Solutions will supply 90,000 homes and small businesses at fixed rate

By Joseph De Avila

March 8, 2016 8:40 p.m. ET

A group of 17 Westchester municipalities has signed an energy contract that is the first of its kind in New York state.

Sustainable Westchester reached the two-year agreement with ConEdison Solutions to supply 90,000 homes and small businesses with electricity at a fixed rate generated from wind, solar and hydro projects.

Utility company Consolidated Edison Co. of New York, a sister company of ConEdison Solutions, now supplies these homes and businesses with electricity at a fluctuating rate from traditional sources, such as natural gas and nuclear.

Under the contract, energy users will be able to select an option of 100% renewable energy or a slightly cheaper option that includes a mix of renewable and traditional energy.

Sustainable Westchester says the homeowners and businesses will collectively save \$4 million to \$5 million a year during the life of the contract, compared with the rates they paid over the past 12 months.

"It's a great opportunity to reduce energy costs and shift to cleaner renewable sources of power," said Noam Bramson, mayor of New Rochelle, one of the cities included in the agreement. "We are pooling demand to give consumers better leverage in the market place."

Homeowners and small businesses in the 17 communities will automatically be switched over to the new program in May. If residents and business owners don't want to switch, they can opt to change back to the electricity now supplied by Consolidated Edison Co. of New York.

The energy users in the Westchester communities will pay up to \$150 million, with the value depending on how many people opt out, how many choose the 100% renewable-energy option and whether an eight-month contract extension

is exercised.

The pact marks the launch of New York's first so-called community choice aggregation program where groups of municipalities negotiate to buy electricity in bulk. The program launched by the 17 towns is called Westchester Smart Power.

Five energy suppliers responded to Sustainable Westchester's request for bids on the contract, said Mike Gordon, co-chair of Sustainable Westchester.

Sustainable Westchester also plans to sign another contract that would cover an additional 20,000 homes and businesses in Westchester County.

New York state has pushed for community choice aggregation programs in Gov. Andrew Cuomo's energy program, said Richard Kauffman, chairman of energy & finance for New York.

Communities in Sullivan, Dutchess and Ulster counties are each planning to launch their own community choice aggregation program, Mr. Kauffman said.

Karl Rábago, executive director of the Pace Energy and Climate Center at the Pace Law School, said other communities in New York will be watching how well the program works. "You get a better deal with a bigger purchase. That's smart," Mr. Rábago said.

ConEdison Solutions supplies renewable energy to over 25 community choice aggregation programs in Massachusetts and New Jersey. The Westchester program will be one of its largest aggregation contracts in terms of the number of customers, the company said. "We view this as a groundbreaking contract in New York state," Sam Morgan, regional sales manager for ConEdison Solutions.

The municipalities are: the towns of Bedford, Greenburgh, Mamaroneck, Mount Kisco, New Castle, and Ossining; the villages of Hastings-on-Hudson, Irvington, Larchmont, Mamaroneck, Ossining, Pelham, Pleasantville, Rye Brook, Tarrytown; and cities of New Rochelle and White Plains.

NYT

A Call for College Students to Help Shape Their States' Clean Power Plans

By Andrew C. Revkin

March 6, 2016 1:27 pm

Photo A coal-fired power plant in Winfield, W.Va. The E.P.A.'s Clean Power Plan, which aims to shift away from coal, has faced stiff opposition from politicians and corporations.Credit Luke Sharrett/Bloomberg

Updated, 3:13 p.m. | Back in January, Eban Goodstein, the director of the Bard College Center for Environmental Policy, distributed an invitation to college students and faculty across the United States to participate in "Power Dialog," an exciting effort to mesh learning and civic engagement around the nation's efforts to curtail power plant emissions of carbon dioxide, the main human-generated gas contributing to global warming.*

The focus is the Obama administration's Clean Power Plan. Despite the Supreme Court ruling delaying the plan, not to mention the turbulent presidential race, the plan's mix of regulation and regional flexibility is likely to persist well into the future. The academic effort, which is nonpartisan, centers on a nationwide series of meetings in state capitals April 4 in which students can offer their views to top state officials.

Goodstein, in an email on Sunday, said the focus has broadened since the Supreme Court ruling. "The Power Dialogs are now focused on what states can do to support the U.S. Paris climate commitment," he said. "There are multiple policies supporting renewables and energy efficiency in many states, red and blue. This is a chance for students to learn about solutions, instead of being demoralized by partisan gridlock."**

There's a map here with locations. You can sign up here. But there's plenty happening between now and then, including a series of online seminars. The next one, Wednesday, March 9, will be by Alex Barron of Smith College and formerly the Environmental Protection Agency. He'll speak about "Job and Economic Impacts of the Clean Power Plan."

The Bard website has much more information on the events, as well as background links and readings.

Here's the note introducing the effort, which came from Goodstein and three prominent environmental leaders, Bill McKibben, Hunter Lovins and Gus Speth:

Know a college student or a teacher? Then you can help 10,000 students around the country, and hundreds in your

own state, change their future.

The week of April 4, 2016 The Power Dialog is organizing conversations in every state capitol between students and the top regulators in their state charged with reducing global warming pollution under the E.P.A.'s Clean Power Plan. The E.P.A.'s new rule is the main vehicle enabling the 30 percent cuts in pollution pledged by the U.S. in Paris.

But so far, the regulators drafting statewide pollution reduction plans have not heard from their most critical stakeholders: young people who will actually be around in 2050, living through the consequences of our action — or inaction — today.

The Power Dialog gives young people that vital voice.

The model is simple. Faculty teaching courses in environmental studies, energy, climate change, environmental politics, economics, or sociology include material on the Clean Power Plan. They then bring their classes on field trips to the state capitol for the Dialog. Students reach out to their faculty to insure their classes are included. With fifteen to twenty college, university or high school classes involved in each state, hundreds of students statewide will have the chance to get educated about the Clean Power Plan. Then, they engage directly with their state's top regulator about cutting global warming pollution locally.

The Power Dialog, organized nationally by The Center for Environmental Policy at Bard College, is not an advocacy or lobbying project. There is no legislative agenda. Rather, the goal is simply to educate thousands of young people about the emerging new rules for climate protection, and to give them a chance to talk face-to-face with the state regulators who are shaping their future.

So here's the easy and effective way you can help. Pass this post along to the students, faculty and educational staff you know to build the Power Dialog in their state. Our country, and our world, critically need the voices of 10,000 engaged young people next April, and beyond.

Do this now, and get your year changing the climate started strong. Lots more opportunities to come.

You can also keep track and spread the word via @thePowerDialog on Twitter:

Here's a related 2015 post on a Pace University dialogue focused on New York's clean-energy options: "Charting Clean-Energy Paths in New York and Beyond."

And I couldn't help notice how the Power Dialog is echoed at the high school level by Change Climate Change, an initiative by some students at the Marlborough School in Los Angeles aiming to engage with government officials shaping their city's energy and climate policies. In an email a few days ago, Clara Nevins, a tenth grader there, asked this question:

We are able to organize hundred of students to write to politicians, capitalists, or other decision makers to express the concerns of the next generation about climate change. Our problem is that we don't know exactly how to harness this energy...who to write to and about what specific piece of legislation or reform.

Please help Clara with some ideas. (And read the post she wrote after going to Paris for the climate treaty negotiations last December: "A Millennial's Take on Climate Activism.")

I'm a big fan of simultaneously learning and doing.

Postscript | On Twitter, Ben Silesky of Seattle posted this relevant example of student engagement and activism:

Footnotes |

*I regret posting so late on this. My fire hoses have been in nonstop blast mode.

** This paragraph was added Sunday night at 10 p.m.

New river cleanup plan: \$1.3 bn, 9-10 years

March 9, 2016/

by Ron Leir

The Observer

The federal government is inching closer to cleaning the lower eight miles of the Passaic River, between Belleville and Newark Bay in Jersey City, which it describes as "the most heavily contaminated section" of the waterway.

At a press conference held at the Newark office of the U.S. Housing & Urban Development on Friday, March 4, the U.S. Environmental Protection Agency announced that it would excavate 3.5 million cubic yards of polluted sediment

and then cap, “bank-to-bank,” that entire length of river bottom at a cost projected at \$1.38 billion.

“The Passaic River has been seriously damaged by over a century of pollution,” said EPA Regional Administrator Judith A. Enck. “Extraordinarily high concentrations of dioxin, PCBs, heavy metals and pesticides have robbed the people of New Jersey from being able to use this natural resource. The EPA’s cleanup plan will improve water quality, protect public health, revitalize waterfront areas and create hundreds of new jobs. This plan is one of the most comprehensive in the nation and will help restore a badly damaged river.”

N.J. Department of Environmental Protection Commissioner Bob Martin called the plan “the culmination of decades of studies and analyses and efforts” by both agencies and predicted that the project would end up “spurring growth along the Passaic River and throughout northern New Jersey.”

The EPA’s cleanup goals have been scaled down a trifle from its draft plan floated in April 2014 which called for dredging 4.3 million cubic yards of sediment for a cost pegged at \$1.78 billion.

The EPA shepherded two prior modest cleanup efforts, the first in 2012 with the dredging of about 40,000 cubic yards of dioxin-laced sediment near the former Diamond Alkali plant in Newark and in 2013 with the removal of about 16,000 cubic yards of polluted sediment from a half-mile stretch of river off Riverside County Park in Lyndhurst. These undertakings were viewed as test runs for the more ambitious project.

But the proposed 8-mile dredge/cap operation figures to take nine to 10 years to complete – and that will happen only if EPA can persuade the Lower Passaic River Study Area Cooperating Parties Group – more than 60 companies linked to the spoiling of the waterway who have agreed to try and find a “sustainable remedy” for the river’s pollution – to finance the venture.

A few months after the draft plan was unveiled in 2014, the CPG took federal regulators to task, labeling it as “legally indefensible” in terms of the federal guidelines set for the project and “scientifically and technically unsound.”

Based on an independent study in which the companies invested \$100,000, the CPG said it makes more sense to clean the lower 17-mile length of the river – from Newark Bay to the Dundee Dam – by doing a targeted removal of 150 acres in the lower Passaic with the highest levels of near-surface contamination.

This procedure, they said, should take about half the time as the EPA plan and upgrade the river quality to make it safe enough for fishing and even swimming.

Under the EPA plan, the proposed cap would consist of two feet of sand except along the shore where it will be one foot of sand and one foot of materials to support habitat for fish and plants.

“In the 1.7 miles closest to Newark Bay, deeper dredging will occur to allow current commercial navigation to continue. Based on further assessment of the reasonably anticipated navigational uses, the EPA expects less depth in parts of the navigation channel than was contemplated in the 2014 proposed plan,” according to an EPA press release.

EPA to Clean Up Lower Section of Passaic River as Part of Huge Superfund Project

BY Rob Marzulli

Wednesday, Mar 09, 2016 9:00am

BaristaNet

The Environmental Protection Agency (EPA) is embarking on a 10-year \$1.38 billion project to remove toxins from the lower eight miles of the Passaic River. The project will remove about 3.5 million cubic yards of poisonous sediment—enough to fill Newark’s Red Bull Arena about three times over.

“The Passaic River has been seriously damaged by over a century of pollution. Extraordinarily high concentrations of dioxin, PCBs, heavy metals and pesticides have robbed the people of New Jersey from being able to use this natural resource. The EPA’s cleanup plan will improve water quality, protect public health, revitalize waterfront areas and create hundreds of new jobs. This plan is one of the most comprehensive in the nation and will help restore a badly damaged river,” said Judith A. Enck, EPA Regional Administrator.

The lower eight miles of the Passaic is the most heavily contaminated section of the river. Ninety percent of the volume of contaminated sediment is in the area targeted for clean up.

EPA expects the program to take four years to plan and six years to execute. It will affect an area running from Newark Bay to the Belleville-Newark border. The agency intends to cap the bottom of the river with sand to prevent any remaining pollution from leaching back into the waterway.

Deadly Chemical Cocktail Includes Dioxin from Agent Orange Production

A major source of dioxin in the river was pollution from the former Diamond Alkali facility in Newark, where the production of Agent Orange and other pesticides during the 1960s generated dioxin that contaminated the land and the river, according to the EPA. Fish and shellfish in the lower Passaic and Newark Bay are highly contaminated with mercury, PCBs and dioxin. Fisheries along the river have long been closed due to the contamination. Catching crabs is prohibited, as is consumption of fish and crab taken from the Lower Passaic River.

The Superfund program mandates that polluters pay for the clean up efforts, rather than taxpayers. EPA has identified about 100 companies responsible for the pollution. Work on the river won't start until negotiations with those companies are finalized.

In 2013, the EPA oversaw dredging of approximately 16,000 cubic yards of highly contaminated sediment from a half-mile stretch of the Passaic River that runs by Riverside County Park North in Lyndhurst, New Jersey. This area is located about 11 miles north of the river mouth and is outside of the scope of the \$1.38 billion project.

EPA dredging Passaic River by Riverside County Park North in Lyndhurst.

"It's good they're doing something," says Wheeler Antabanez, who has canoed on the Passaic for years and has written articles and produced videos about the river. "The pollution is so severe they have to do something and if the polluters are the ones paying for it, we should go in there. But it's not going to be enough. The river is contaminated for 17 miles to Dundee dam. Just cleaning the lower eight miles is absurd. You're going to have contaminants moving up and down stream. The pollution will keep shifting back and forth. I saw them do the Lyndhurst dredge. They put in a sand cap and a year later quite a bit of the sand was either gone, or covered by fresh mud."

Cleaning up the old pollution is only part of the solution, says Antabanez because new sewage continues to be dumped into the river. "I've canoed on sections of the river and you can see brown sludge coming out of pipes on the riverbanks. The mud along the Passaic smells like human waste."

Forbes

Opinion

Waste, Fraud And Abuse

By Henry I. Miller, Contributor

Henry I. Miller, a physician and molecular biologist, is the Robert Wesson Fellow in Scientific Philosophy and Public Policy at Stanford University's Hoover Institution. He was the founding director of the FDA's Office of Biotechnology.

Just when you think you've seen every manifestation of incompetence, corruption and dishonesty that's possible in a government agency, the Environmental Protection Agency comes up with something new and different. This time it's violations of federal law by engaging in "covert propaganda" and "grassroots lobbying."

Government Accountability Office investigators found that the EPA illegally used Thunderclap, a social media site, "to correct what [EPA] viewed as misinformation." Government use of social media is not unlawful per se; many agencies use it to communicate their actions and policies to the public. But the EPA crossed the line when it asked members of the public to share EPA-composed propaganda on Facebook or Twitter without attributing it to the government. Neglecting to reveal the source was the basis of the "covert propaganda" violation, because the law says that citizens must know when messages presented to them were created by their government.

Federal agencies are supposed to be apolitical, and federal law prohibits lobbying for or against proposed legislation, but an EPA blog post contained links to websites that encouraged members of the public to, for example, "urge your senators to defend Clean Water Act safeguards for critical streams and wetlands." This "grassroots lobbying" was a violation of federal law because at the time, Congress was considering a number of pieces of legislation to derail the EPA's "waters of the United States" (WOTUS) regulation.

The combination of EPA's "covert propaganda" and "grassroots lobbying" and the agency's ideological efforts to achieve "environmental justice"—which it defines as "fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies"—is a prescription for more of the zealotry and malfeasance for which EPA is renowned.

EPA has a long history of actions that are illegal, unethical and incompetent. Various national and state policy groups in January raised objections and concerns about Obama administration plans to impose cap-and-trade style emissions restrictions nationwide. A coalition coordinated by William Yeatman of the Competitive Enterprise Institute compiled and submitted comments from more than 20 groups that questioned the legitimacy of EPA's implementation of the

president's Clean Power Plan. Specifically, its Model Federal Implementation Plan appears to be a cap-and-trade scheme that is the product of a defective political process, and thereby raises concerns under the Tenth Amendment to the U.S. Constitution. (In early February the Clean Power Plan was stayed by the U.S. Supreme Court, which directed the EPA to cease implementation until the D.C. Circuit Court of Appeals or the Supreme Court itself renders a final decision on litigation to overturn the rule.)

An EPA legal stratagem that has received attention from Sen. David Vitter and other Republicans on the Environment and Public Works Committee is the “sue and settle” maneuver that federal agencies, including the EPA, use to advance their radical environmental agenda in a way that substitutes a judicial mechanism for the customary interface of legislation and agency rulemaking. The way this works is that extremist environmental groups (some of which receive government grants) sue the federal government on the grounds that agencies are failing to meet their regulatory obligations, and then, behind closed doors, the activists and Obama administration officials concoct a settlement agreement that furthers activists’ (and regulators’) radical goals.

Another underhanded scheme was exposed several years ago that would have diverted EPA “research” funds to pay outside public relations consultants up to \$5 million over five years to improve the website of the Office of Research and Development, conduct focus groups on how to polish the office’s image, and produce ghostwritten articles praising the agency “for publication in scholarly journals and magazines.”

This time it’s violations of federal law by engaging in “covert propaganda” and “grassroots lobbying.”

The EPA has long been scientifically, intellectually and ethically bankrupt, arguably the worst regulatory agency in the history of the world. But perhaps I understate.

This payola scheme is similar to the agency’s longstanding practice of buying influence by doling out hundreds of millions of dollars each year to certain favored nonprofit organizations—money that, according to the inspector general and Government Accountability Office, is dispersed with no public notice, competition or accountability. The GAO investigators documented systematic malfeasance by regulators, including: (1) making grants to grantees who were unable to fulfill the terms of the grants; (2) favoring an exclusive clique of grantees without opening the grants to competition; (3) funding “environmental” grants for activities that lack any apparent environmental benefit; and (4) failing to ensure that grantees performed the objectives identified in the grants.

EPA rulemaking often makes little sense. The agency persists in spending more and more to address smaller and smaller risks. In one analysis by the Office of Management and Budget, of the 30 least cost-effective regulations throughout the government, the EPA had imposed no fewer than 17. For example, the agency’s restrictions on the disposal of land that contains certain wastes prevent 0.59 cancer cases per year—about three cases every five years—and avoid \$20 million in property damage, at an annual cost of between \$194 million and \$219 million.

Another example of flawed decision-making at the EPA is the imposition of overly stringent ambient air standards under the Clean Air Act. Clean air is desirable, of course, but an EPA rule finalized in 2012 that created new emissions standards for coal- and oil-fired electric utilities was ill-conceived. According to an analysis by Diane Katz and James Gattuso of the Heritage Foundation, “The benefits are highly questionable, with the vast majority being unrelated to the emissions targeted by the regulation. The costs, however, are certain: an estimated \$9.6 billion annually. The regulations will produce a significant loss of electricity generating capacity, which [will] undermine energy reliability and raise energy costs across the entire economy.”

Stung repeatedly by such benefit-cost calculations, EPA has begun more frequently to manipulate the benefit side by invoking so-called “non-use benefits” of regulations, such as “the value one places on knowing that an aquatic ecosystem is healthy” or secondary and tertiary ecosystem impacts.” The problem with such supposed benefits is that estimating them is highly prone to wishful thinking. (Read: plucking numbers from the air.) For example, regulators might “calculate” that a significant improvement in water quality in the Mississippi River could be a source of benefit to people throughout the nation, not just those who use the river or who live near it, because the river is nationally symbolic.

An EPA contractor works on the clean up in the aftermath of the blowout at the Gold King mine, which triggered a major spill of toxic wastewater outside Silverton, Colo., Wednesday, Aug. 12, 2015. (AP Photo/Brennan Linsley)

EPA officials are the Darth Vaders of the federal bureaucracy. Typical was an incident last August when an EPA cleanup crew accidentally triggered a breach in an abandoned gold mine in the southwestern part of Colorado, spilling three million gallons of highly toxic mining waste that contaminated waterways in Colorado and New Mexico. Glenn Lammi of the Washington Legal Foundation has argued persuasively that EPA officials should be prosecuted for criminal negligence and reckless disregard, but of course that won’t happen.

Equally bad was the EPA’s handling of the lead contamination of the water supply of Flint, Michigan. Federal regulators battled Michigan’s Department of Environmental Quality behind the scenes for at least six months over whether Flint

needed to use chemical treatments to keep lead lines and plumbing connections from leaching into drinking water. The EPA did not publicize its concern that Flint residents' health was jeopardized by the state's insistence that such controls were not required by law.

To long-time EPA watchers, screw-ups that endanger lives and damage the environment are not at all surprising. The EPA has long been scientifically, intellectually and ethically bankrupt, arguably the worst regulatory agency in the history of the world. But perhaps I understate.* *

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